

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

2. On October 20, 2004 the Department denied the petitioner's application. A hearing in the matter were held on November 17, 2004. The petitioner was able to pay \$600

toward her rent for October and all of her November rent, but nothing toward her arrearage.

3. Both the petitioner and the children's father are employed. She agrees that since August their gross monthly income has been at least \$2,300. The family also receives Food Stamps of \$169 a month. The Department determined that the petitioner had essential expenses for food, rent, standard work expenses (including tax withholdings), basic phone service, utilities, and car expenses of between \$1,200 and \$1,600 between August and October 2004. The petitioner admits that she can't specifically account for much of the remainder of her income during those months.

4. The Department determined that some of the expenses claimed by the petitioner for items such as cigarettes, restaurant meals, furniture, and "miscellaneous" were not "essential" to the family within the meaning of the EA regulations (see *infra*).

5. The petitioner does not dispute that at the time she applied for EA (mid October 2004) all funding for "Category II" assistance under the EA program had been depleted (see *infra*).

ORDER

The Department's decision is affirmed

REASONS

The regulations governing the EA rental arrearage program are reproduced below.

As noted above, when the petitioner applied for EA, all Category II funds appropriated for this fiscal year had been expended. See § 2813.32B, *supra*. Thus, the petitioner had to meet the eligibility requirements for Category I assistance as defined, above, in § 2813.32A.

In this regard the petitioner clearly does not meet the criteria of § 2813.32A(1), *supra*; i.e., she does not allege that an "emergency or extraordinary event" occurred in her family between August and October. Thus, to qualify for Category I assistance the petitioner must demonstrate that rent payments were not made "because the family's essential expenses exceeded their benefits and available gross income, after deduction of the standard work expense and allowable self-employment business expenses". § 2813.32(A)(2), *supra*.

In this case the Department determined that the family's "essential expenses" for rent, utilities, food, phone, and car and work expenses totaled at most \$1,600 a month. Because this total was less than the family's gross income of \$2,300 during this period, the Department determined that the petitioner's essential expenses did not exceed available income within the meaning of the above provision.

Inasmuch as the petitioner does not maintain that any of the expenses not allowed by the Department were in fact

"essential", the Department's decision in this matter must be affirmed as clearly being in accord with the above regulations.<sup>1</sup> 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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<sup>1</sup> At the hearing the petitioner was advised that if she is faced with an imminent loss of housing she can still apply to the Department for GA or EA for emergency housing.